

Comment on the proposed conservation of usage of *Cardium egmontianum* Shuttleworth, 1856 (currently *Trachycardium egmontianum*; Mollusca, Bivalvia) (Case 3341; see BZN 64: 12–14)

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This proposal represents the only pathway to achieve nomenclatural stability and geographical sense in this instance and so I strongly endorse the request to the Commission. The Application could have been bolstered by an historical observation relating to Reeve's *Conchological Iconica*, in which the original error occurred. I have come to appreciate this problem from my own research on marine bivalves. Reeve was so busy at the height of the 'Golden Age' of conchology in the mid-nineteenth century receiving shells from all over the world and publishing attractive monographs for his subscribers on a regular basis that he committed numerous unintentional errors like this one. His illustration of a specimen of *Cardium egmontianum* with the incorrect locality of Mindanao, Philippines, from where two other specimens of a different but somewhat similar, large, brown speckled species of cardiid genuinely originated, was a rather typical result of the frenetic pace at which he must have been working. The late Mr Vidal must have also realised this was the cause of the mistake and had a desire for some nomenclatural stability in a group of marine bivalves where the genera and species are still taxonomically unstable, hence his selection of one of the specimens from the Philippines as the lectotype of *Cardium mindanense*. That selection (Vidal, 1998) should certainly be validated by the Commission as both technically correct and thoroughly justified, whereas the earlier designation by Voskuil & Onverwagt (1992) of another syntype as 'holotype' is invalid under Article 74.5 of the Code.

Comment on the proposed conservation of *Termes serratus* Froggatt, 1898 (currently *Microcerotermes serratus*) and *Termes serrula* Desneux, 1904 (currently *Microcerotermes serrula*) (Insecta, Isoptera, TERMITINAE) (Case 3385; see BZN 64: 83–86)

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When we discovered the unjustified replacement of *Termes serratus* Haviland and conservation of *Termes serratus* Froggatt by Desneux (1904), we recommended the strict application of the Principle of Priority instead of applying to the Commission to conserve the junior names (Roisin & Pasteels, 2000). To reach this decision, we followed the guidelines of Article 79(c) of the 3rd Edition of the Code (current at the time of submission), stating that a *prima facie* case that stability is threatened would

be made by the Commission if the junior name had been applied to a particular taxon as its presumably valid name by at least 5 different authors and in at least 10 publications during the immediately preceding 50 years.

We did not find 10 citations of *Microcerotermes serratus* (Froggatt) in the period 1950–1999; Jones himself (BZN 64: 83–86) lists only seven records of this name during this period, one of which is in a purely nomenclatural work (Watson et al., 1998). As to *Microcerotermes serrula* (Desneux), this name was even less frequently used: four records in the same period, according to Jones (BZN 64: 83–86). In addition, for both species, citations appeared almost exclusively in faunistic inventories or identification guides. Neither species has been the subject of any biological study of importance. Saying they are well-known (Jones, BZN 64: 84, para. 7) is an overstatement. Considering both the Code's guidelines and our personal feeling, we estimated that the current usage of both junior names was so low that the strict application of priority rules would neither cause substantial confusion nor be a threat to nomenclatural stability, and that asking the Commission to use its plenary power to overturn priority would not be justified in this case.

In the Fourth Edition of the Code, although the guidelines of former Article 79(c) have disappeared, a procedure has been set up to allow the automatic rejection of senior synonyms or homonyms. However, the conditions are very strict (Article 23.9.1): the senior name must not have been used as valid since 1899 (23.9.1.1) and the junior name must have been used as valid in at least 25 works in the last 50 years (Article 23.9.1.2 – additional conditions apply). In this case, the first condition is not satisfied since *Microcerotermes serratus* (Haviland) was used as valid by Holmgren, 1911 and Roisin & Pasteels, 2000, and the recent usage of either *Microcerotermes serratus* (Froggatt) or *Microcerotermes serrula* (Desneux) is far below that required to meet the second condition (see above).

Jones's present application (BZN 64: 83–86) not only requires the re-examination of the case *per se*, that is, whether or not the correction of the unjustified replacement of *Termes serratus* Haviland by Desneux (1904) threatens stability. It also requires that the Commission dismiss our own decision relative to this case, which was published in a broadly distributed, peer-reviewed international journal (Roisin & Pasteels, 2000). As a general rule, we believe (1) that authors, as we did, should generally attempt to resolve nomenclatural problems according to the principles of the Code and avoid applying to the Commission if not absolutely necessary (after all, this is what the Code stands for), and (2) that the Commission should not overturn authors' recent decisions unless these decisions are demonstrably foolish, because this would be a definite source of considerable confusion. In the present case, we believe our decision cannot be deemed foolish since we precisely followed the Commission's own guidelines.

After 2000, Jones himself and his co-workers of the Termite Research Group of the Natural History Museum (Jones & Prasetyo, 2002; Gathorne-Hardy, 2004) used *Microcerotermes serrula* (Desneux) as valid, ignoring Roisin & Pasteels's (2000) decision. The reason for doing so is not explicitly stated. It is likely that our work (Roisin & Pasteels, 2000) was merely overlooked, since Jones & Prasetyo (2002) similarly used the invalid *Microcerotermes dubius* (Haviland), also rejected by us, and did not apply to the Commission sooner. Now, Jones (BZN 64: 83, para. 3) cites his own and his co-workers' post-2000 works (Jones & Prasetyo, 2002; Gathorne-Hardy,

2004) as evidence that *Microcerotermes serrula* (Desneux) is now ‘widely accepted and used extensively’. It should be noted that this name should not be considered as published in Jones et al. (2003), since it only appears in an electronic supplement, explicitly excluded by Article 9.8. This sounds like circular reasoning. Furthermore, Jones’s application raises an ethical issue, since it is not independent from his own and his co-workers’ interests: a positive decision of the Commission in this case would constitute an endorsement of their post-2000 use of invalid names, which otherwise could not be justified.

In conclusion, we believe: (1) that because the involved names were so infrequently used, our corrections (Roisin & Pasteels, 2000) did not result in ‘considerable confusion and nomenclatural instability’ (as stated by Jones: BZN 64: 83, abstract); (2) that because our explicit, published decision was correct and consistent with the Commission’s guidelines, it should be upheld for the sake of nomenclatural stability; and (3) that to counter nomenclatural anarchy and discourage negligence, the Commission should refrain from endorsing *a posteriori* an erroneous use of names by the applicant or his co-workers. We therefore recommend that Jones’s application be rejected.

Comment on the proposed fixation of the feminine gender of the genus and the form of derivation of family-group names based on *Trachys* Fabricius, 1801 (Insecta, Coleoptera)

(Case 3335; see BZN 63: 172–176, 273–274; 64: 64–66)

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I disagree with the proposal to fix the gender of the genus *Trachys* Fabricius, 1801 as feminine and agree with the opposing comments made by Bellamy, MacRae, Rifkind and Wescott. However, in my opinion, some additional points need to be made.

In the case of the genus *Trachys* Fabricius, 1801, a quick look at any Classical Greek dictionary will show that the word *trachýs* is the nominative singular form of an adjective having three different forms: masculine *trachýs*, feminine *tracheía*, and neuter *trachý* and meaning “rough”. According to Article 30.1.2, the Fabrician genus is masculine, since there is no negation of Latin or Greek in Fabricius’s work for this genus, which could be the only exception admitted, according to Article 30.1.4.1. The authors of the case apparently discard any resort to Article 30.1.4.2, since there is no possibility of considering the Greek word *trachýs* as of common or variable gender: it is clearly masculine. The word *trachýs* belongs to a peculiar kind of Greek adjective: it is a very short class of adjectives ending in masculine in *-ys* (not in *-achys* as MacRae and Rifkind say), but very frequent in zoological genus-group names. Of the 29 regular members and the three irregular members, 14 in their “pure” state are used as genera (*Amblys*, *Bathys*, *Brachys*, *Brithys*, *Drimys*, *Elachys*, *Eurys*, *Ithys*,